

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**FFWCT, LLC; USA FLAG, LLC; AND  
TRAVIS BURNETT,**

**Plaintiffs,**

**v.**

**USA FOOTBALL, INC.,**

**Defendant.**

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**Civil Action Nos. 4:23-cv-00465-ALM**

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**DECLARATION OF MARK D. NIELSEN IN SUPPORT OF FFWCT, LLC’S, USA  
FLAG, LLC’S, AND TRAVIS BURNETT’S SUR-REPLY RE: USA FOOTBALL, INC.’S  
MOTION FOR SUMMARY JUDGMENT AS TO “NATIONAL GOVERNING BODY”**

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I, Mark D. Nielsen, declare:

1. I am an attorney admitted to practice in the States of Texas and California, and before this district court. I am a partner at the law firm of Scheef & Stone, LLP, representing FFWCT, LLC, USA Flag, LLC, and Travis Burnett (collectively, “USA Flag”), Plaintiffs in the above-captioned matter. I make this declaration of my own personal knowledge or on information and belief where so stated. If called as a witness, I could and would competently testify to the truth of the matters asserted herein.

2. I am generally familiar with the matters in the case having worked on it in various amounts since its inception.

3. I note that Exhibits 1 and 2 to this Declaration are being separately filed as part of a motion to seal (submitted herewith) given the confidentiality designations applied to these exhibits.

4. Filed with the motion to seal submitted herewith as **Exhibit 1** are true and correct

copies of the referenced pages from the deposition of Curtis Hollomon taken in this case.

5. Filed with the motion to seal submitted herewith as **Exhibit 2** are true and correct copies of the referenced pages from the deposition of Charles Davis taken in this case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 5, 2024 at Frisco, Texas.

/s/ Mark D. Nielsen  
Mark D. Nielsen

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on July 5, 2024, a true and correct copy of the foregoing was electronically filed with the Court using the ECF system, which will send a notification of the filing via electronic mail to all counsel of record.

/s/ Mark D. Nielsen  
Mark D. Nielsen

# **EXHIBIT 1**

## **HOLLOMON DEPO EXCERPTS**

**FILED UNDER SEAL**

# **EXHIBIT 2**

## **DAVIS DEPO EXCERPTS**

### **FILED UNDER SEAL**